

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

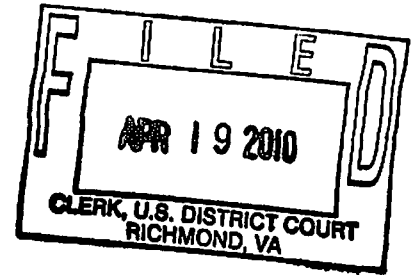
SAMUEL G. BAILEY

Plaintiff,

vs.

BLACK ENTERTAINMENT  
TELEVISION, ET AL.,

Defendants.



No. 3:09-CV-787

PLAINTIFF'S MOTIONS FOR  
CONSTITUTIONAL AND  
TECHNICALLY EVIDENTIAL  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS CASE

1. Although the name of the case "Samuel G. Bailey v. Black Entertainment Television, et al." is perfectly legal, Defendants are using time complaining about word "Pictures" being added to Defendant "Paramount" thereby making the second Defendant "Paramount Pictures". Plaintiff agrees. The other change requested by Plaintiff is to add word "Incorporated (Inc.) to name of third Defendant "Viacom" making that name out to be "Viacom, Inc."

(1)

Plaintiff gratefully agrees that Court can make changes if it so chooses.

2. Plaintiff Motions Honorable Court to object to Defendants' Motion to Dismiss case for their unethical and unlawful pursuit. Plaintiff has a plethora of evidence to substantiate his claim of Copyright Infringement against the Defendants. And Bailey needs the evidence he has sought to receive from Defendants; he has every lawful right to receive that evidence, which is (1) a copy of the "play" "Dreamgirls" and (2) a copy of the movie script "Dreamgirls". The purpose of that evidence is to prove infringement via pinpointing exact locations of specific expressions constituting acts of Plagiarism.
3. Defendants' Counsel made an inappropriate description of character "Cleopatra" by saying she was an Egyptian "pharaoh". She was an Egyptian Queen 51-30 B.C. And she lived 69-30 B.C. "Pharaoh" is predominately descriptive of a male tyrant. Egypt was a Black kingdom during its earliest dynastic achievements, and "Cleopatra" was a Black Egyptian Queen, however, Hollywood never featured her as a Black woman; she was exemplified as White. Plaintiff Bailey created the character "Cleopatra" in his screenplay "Poison Passion" to specifically express a copyrightable protected distinction of "Cleopatra" as a beautiful Black Model and reporter for a Black owned magazine company. Connotative and denotative expressions were stolen from Mr. Bailey's script "Poison Passion".
4. Defendants will receive credit for their usage of "Cleopatra" and her copyrightable expressions taken from Bailey's script "Poison Passion." This is appallingly disgraceful and

definitely unlawful. In the conspectus of Plaintiff's screenplay "Poison Passion", the character "Effi", who was played by actress Jennifer Hudson in the movie "Dreamgirls", is psychoanalytically described as "beautiful, secure, and very trustful of her lover "Prince"...until she became aware of how many, many other women were being drawn to him because of his good looks and his music. She lost confidence in her ability to keep Prince Dominique's heart beating for her ONLY." In the movie, Hudson sang the song dedicated to her style of love as "One Night Only." Beyonce Knowles also sang that song as "Cleopatra". "Her (Effi's) jealousy caused her to be a nuisance as well as a most humorous informal showwoman. Effi will make you laugh as much as cry due to her unique street-girl type of mannerism." Defendants tried to be deceptive by having actor Jamie Foxx play the characterization of "Poison Passion's" Dominique Prince.

5. Plaintiff Bailey is a Historian as well as a Screenwriter. For Example, in 1987, he became the first African-American male author to write a science-fiction novel titled "Protonic Destruction of the USA and USSR." The purpose of the book was to show what could occur if no productive diplomacy were constructed between the two superpowers to deter the manufacturing and deployment of nuclear weaponry. The ending of the novel was quite frightening. Much of what is in the novel came true in real life. The book also extremely promoted and supported the gain of freedom for Russian Jews. Mr. Bailey appeared once on ABC-TV News for an interview pertaining to his book and his patented invention of "The Talking Marionette." He also appeared on a number of different radio talk shows to be interviewed about his novel. Numerous listeners and supporters were drawn to the interviews.

6. There is no “superficiality” in the creation of the characters in Bailey’s screenplay “Poison Passion” as was claimed by Defendants’ Counsel. Plaintiff’s creations of characters, which were copied by Defendants in their production of movie “Dreamgirls,” are copyrightable material whose specific expressions have an illustrious impact on how viewers interpret the characters’ personalities and unequivocally elucidated expressions varying cogitations. All the characters in Mr. Bailey’s script “Poison Passion” “dreams”:

Conai

I had a “dream” the other night that Sid  
Knows about us.

Prince

That proves that “dreams” are not pro-  
ponents of reality. If Sid knew about us,  
believe me he would’ve done something  
about it by now.

“Proponents” is a term used to indicate there is no numerical equality between dreams and reality regarding magnitude, quantity, and degree.

7. Just a couple of copyrightable expressions made by “Cleopatra” and “Prince” in Plaintiff’s script:

Cleopatra

You just let me know when your  
heart is ready to be touched by  
mine.

Prince

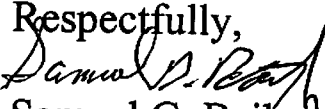
Are you very patient?

Cleopatra

No. But I'm known to become  
so depending upon the circumstance.

8. Mr. Bailey has a "small" list of people who could be subpoenaed to testify under oath in criminal Court as to how and why specific law firms refused to represent the Plaintiff in this case. He was told by one that: "You have a good case, but I just 'can't' represent you." Mr. Bailey had the money to compensate them, yet they claimed they "could not" represent him. Plaintiff knows the reason why, and if he does not receive a fair trial and justice in his case, he is going to see to it that those parties are subpoenaed to testify with criminal charges against "all" individuals responsible for such an unethical and illicit act as this one. The parties will also be made aware that this could have been avoided had a settlement been reached.
9. If this case is not resolved in Court, it will no longer be left in the Plaintiff's hands. The case will be resolved in the Power and Law of Fate. And whomever deserves punishment for their unlawful action(s) will in all due likelihood receive it accordingly.

Respectfully,

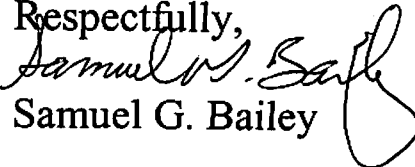
  
Samuel G. Bailey

## CERTIFICATE OF SERVICE

I hereby verify that on this 16<sup>th</sup> day of April, 2010, the aforementioned Motions were sent via First Class postage and mail to the following party:

Mr. John B. O'Keefe  
Levine Sullivan Koch & Schulz, L.L.P.  
1050 17<sup>th</sup> St., NW; Suite 800  
Washington, DC 20036

Respectfully,

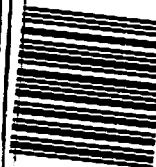
  
Samuel G. Bailey

*James;*  
*Samuel Bailey*  
*P.O. Box 706*  
*Burgess, Va. 22432*

**U.S. MARSHALS**  
**TO: UNITED STATES**

2321931872

*United States District Court*  
*For the Eastern District of Va.*  
*Office of the Clerk*  
*701 East Broad St.; Suite 3000*  
*Richmond, VA 23219*



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